

HEALTH & SAFETY CODE

CHAPTER 113. TEXAS HEALTH CARE POLICY COUNCIL

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Health Care Policy Council.

(2) "Partnership" means the Texas Health Workforce Planning Partnership.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.002. COMPOSITION OF COUNCIL. (a) The council is within the office of the governor and shall report to the governor or the governor's designee.

(b) The council is composed of the administrative head of the following agencies or that person's designee:

(1) the Health and Human Services Commission;

(2) the Department of State Health Services;

(3) the Department of Aging and Disability Services;

(4) the Texas Workforce Commission;

(5) the Texas Higher Education Coordinating Board;

(6) the Texas Department of Insurance;

(7) the Employees Retirement System of Texas;

(8) the Teacher Retirement System of Texas;

(9) each health care related licensing agency identified by the governor; and

(10) any other state agency or system of higher education identified by the governor that purchases or provides health care services.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.003. ADVISORY COMMITTEES AND AD HOC COMMITTEES; TEXAS HEALTH WORKFORCE PLANNING PARTNERSHIP. (a) The council may form advisory and ad hoc committees as necessary to accomplish the council's purpose, including committees composed of health care experts from the public and private sectors to review policy matters related to the council's purpose.

(b) The Texas Health Workforce Planning Partnership is a standing subcommittee of the council and is composed of:

(1) the members of the council representing:

(A) the Health and Human Services Commission;

(B) the Department of State Health Services;

(C) the Texas Workforce Commission;

(D) the Texas Higher Education Coordinating Board; and

(E) any other state agency or system of higher education identified by the governor that impacts health care workforce planning; and

(2) the administrative head of the following agencies or that person's designee:

(A) the Health Professions Council; and

(B) the Office of Rural Community Health Affairs.

(c) The partnership shall monitor the health care workforce needs of the state, including monitoring the number and type of health care workers in the state by region and the health care workforce needs of the state, identifying any changes in the number of health care workers or health care workforce needs, and monitoring the quality of care provided by the health care workforce.

(d) The partnership shall:

(1) undertake and implement appropriate health care workforce planning activities; and

(2) research and identify ways to increase funding for health care, including obtaining money from federal, state, private, or public sources.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.004. COMPENSATION AND EXPENSES. Service on the council or the partnership is an additional duty of a member's office or employment. A member of the council or the partnership is not entitled to compensation but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the council or the partnership, as provided in the General Appropriations Act.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.005. MEETINGS. (a) The council shall meet at least once each year. The council may meet at other times at the call of the presiding officer or as provided by the rules of the council.

(b) The council is a governmental body for purposes of the open meetings law, Chapter 551, Government Code.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.006. DIRECTOR; STAFF. (a) The council shall, subject to the approval of the governor, hire a director to serve as the chief executive officer of the council and to perform the administrative duties of the council.

(b) The director serves at the will of the council.

(c) The director may hire staff within guidelines established by the council.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.007. FUNDING. Each state agency represented on the council shall provide funds for the support of the council and to implement this chapter. The council, with the governor's approval, shall establish a funding formula to determine the level of support each state agency must provide.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.008. EQUAL EMPLOYMENT OPPORTUNITY. (a) The director or the director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the council to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the council's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the civil rights division of the Texas Workforce Commission for compliance with Subsection (b)(1); and

(3) be filed with the governor's office.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.009. QUALIFICATIONS AND STANDARDS OF CONDUCT. The director or the director's designee shall provide to members of the council and to council employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.010. RESEARCH PROJECTS; REPORT. (a) The council shall identify gaps, flaws, inefficiencies, or problems in the health care system that create systemic or substantial negative impacts on the participants in the health care system, study those problems, and identify possible solutions for the state or other participants in the system.

(b) Not later than September 1 after each regular session of the legislature, the speaker of the house of representatives and the lieutenant governor may submit health care related issues to the governor for referral to the council. The health care related issues may include:

(1) disparities in quality and levels of care;

(2) problems for uninsured individuals;

(3) the cost of pharmaceuticals;

(4) the cost of health care;

(5) access to health care;

(6) the quality of health care; or

(7) any other issue related to health care.

(c) The governor shall refer health care related issues to the council for research and analysis. The governor shall prioritize the issues for the council. The council shall study those issues identified by the governor and identify possible solutions for the state or other participants in the health care system.

(d) Not later than December 31 of each even-numbered year, the council shall submit a report of the council's findings and recommendations to the governor, lieutenant governor, and speaker of the house of representatives.

(e) The report submitted under Subsection (d) must include recommendations from the partnership and any other advisory body

formed under Section 113.003.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.011. PURCHASE OF HEALTH CARE PRODUCTS OR SERVICES. The council shall ensure the most effective collaboration among state agencies in the purchase of health care products or services. As a state agency develops an expertise in purchasing health care products or services, that agency shall assist other agencies in the purchase of the same products or services.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.012. USE OF TECHNOLOGY IN HEALTH CARE. (a) The council shall facilitate and promote the use of technology in the health care system as a way to decrease administrative costs and to increase and improve the quality of health care.

(b) The council shall monitor, research, and promote initiatives relating to patient safety and the use of telemedicine and telehealth.

(c) The council shall coordinate its activities with other offices and state agencies that are primarily focused on the use of technology or the use of technology in health care.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.013. INFORMATION RESOURCE. (a) The council shall establish a clearinghouse of information to assist communities in assessing the needs of local health care systems. The council shall:

(1) collect information on innovative health care service delivery models and make that information available to communities;

(2) provide information on grants and technical assistance in the application process; and

(3) collect information on the development and testing of quality measures.

(b) The council shall investigate the best ways to collect, compare, and communicate the information to local communities.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

Sec. 113.014. COORDINATION WITH OTHER ORGANIZATIONS. (a) The council may coordinate its research and reporting activities with other public or private entities performing research on health care policy or other topics related to the mission of the council, including academic institutions and nonprofit organizations.

(b) The council may contract with public or private entities to perform its research and reporting activities.

Added by Acts 2005, 79th Leg., ch. 1016, Sec. 1, eff. June 18, 2005.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Organ, Tissue, and Eye Donor Council.

(2) "Commissioner" means the commissioner of state health services.

(3) "Department" means the Department of State Health Services.

(4) "Public safety director" means the public safety director of the Department of Public Safety.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.002. SUNSET PROVISION; ABOLISHMENT. The Texas Organ, Tissue, and Eye Donor Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2017, unless the department and the council mutually determine that the public interest is best served by abolition of the council and agree to abolish the council on an earlier date.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

SUBCHAPTER B. COUNCIL

Sec. 113.051. COMPOSITION OF COUNCIL. (a) The council is composed of:

(1) a representative of the department appointed by the commissioner;

(2) a representative of the Department of Public Safety appointed by the public safety director;

(3) a representative of the Texas Department of Transportation appointed by the executive director of that agency;

(4) five professional members appointed by the commissioner as follows:

(A) one representative from each of the state's

three federally qualified organ procurement organizations nominated by each organization;

(B) one representative who is a transplant physician or nurse licensed in this state; and

(C) one representative of an acute care hospital in this state; and

(5) two public members appointed by the commissioner.

(b) A public member of the council must:

(1) be a donor, recipient, or member of a donor's family; and

(2) be selected from a pool of members compiled from the recommendations of the following nonprofit organizations in the field of transplantation and organ donor education:

(A) the Texas Medical Association;

(B) the Texas Transplantation Society;

(C) the Transplant Nurses' Association;

(D) the National Kidney Foundation;

(E) the National Minority Organ Tissue Transplant Education Program; and

(F) the American Society of Minority Health and Transplant Professionals.

(c) A member of the council who is a representative of an agency of this state is a nonvoting member of the council.

(d) Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.052. MEMBERSHIP ELIGIBILITY. A person is not eligible for appointment as a professional or public member of the council if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the council or from the department regarding a matter on which the council advises the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the council or from the department regarding a matter on which the council advises the department; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the council or from the department regarding a matter on which the council advises the department, other than compensation or reimbursement authorized by law for council membership, attendance, or expenses.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.053. TERMS; VACANCY. (a) Council members appointed by the commissioner serve for staggered six-year terms, with the terms of two or three members, as applicable, expiring February 1 of each odd-numbered year.

(b) A council member appointed as a representative of an agency serves at the will of the appointing agency.

(c) If a vacancy occurs, the commissioner or other appropriate appointing authority shall appoint a person, in the same manner as the original appointment, to serve for the remainder of the unexpired term.

(d) An appointed member may not serve more than one term consecutively.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.054. PRESIDING OFFICER. The commissioner shall designate a public member of the council as the presiding officer of the council to serve in that capacity at the will of the commissioner.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.055. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the council that a member:

(1) does not have at the time of taking office the qualifications required by this chapter;

(2) does not maintain during service on the council the qualifications required by this chapter;

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(4) is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote

of the council.

(b) The validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists.

(c) If the commissioner has knowledge that a potential ground for removal exists, the commissioner shall notify the presiding officer of the council of the potential ground. The presiding officer shall then notify the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer or most senior member of the council, who shall then notify the attorney general that a potential ground for removal exists.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.056. MEETINGS; QUORUM. (a) The council shall meet at least twice each calendar year and at the call of the presiding officer.

(b) The council shall adopt bylaws for the conduct of its meetings.

(c) Any action taken by the council requires two-thirds of the members to be present and the action must be approved by a majority of the members present.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.057. COMPENSATION. (a) A member of the council may not receive compensation for service on the council.

(b) A member shall be reimbursed for the member's actual and necessary expenses for meals, lodging, transportation, and incidental expenses incurred while performing council business, subject to any applicable limitation on reimbursement prescribed by the General Appropriations Act.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.058. INFORMATION ABOUT STANDARDS OF CONDUCT. The commissioner or the commissioner's designee shall provide to members of the council, as often as necessary, information regarding the requirements for membership on the council under this chapter, including information regarding a person's responsibilities under laws relating to applicable standards of conduct.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

SUBCHAPTER C. COUNCIL POWERS AND DUTIES

Sec. 113.101. GENERAL DUTIES. The council as required by the department shall:

(1) advise the department concerning the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(2) advise the department on priorities for the initiatives to be implemented under the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49;

(3) advise the department regarding donor education, awareness, and registry outreach specifically targeted at African American and Hispanic populations;

(4) advise the commissioner, public safety director, and director of the Texas Department of Transportation on the allocation of money received by the comptroller for the activities authorized under Chapter 49; and

(5) advise the department, Department of Public Safety, and the Texas Department of Transportation regarding necessary performance standards and quality control measures concerning the operation of the statewide Internet-based donor registry, as well as related donor educational programs.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.102. REPORT. Before December 1 of each even-numbered year, the council shall submit a report of the council's activities and recommendations to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.103. AUDIT. The financial transactions pertaining to the council are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.

Sec. 113.104. COSTS IN ADMINISTERING PROGRAM. Ten percent of all money collected under Sections 521.421(g), 521.422(c), and 502.1745, Transportation Code, may be appropriated only to the department to administer this chapter.

Added by Acts 2005, 79th Leg., ch. 1186, Sec. 5, eff. June 18, 2005.